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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 RALPH NICOLAS CANETE, ) CASE NO. CV 15-316-RGK (JCG)  
11 )  
12 Petitioner, ) ORDER ACCEPTING REPORT AND  
13 v. ) ADOPTING FINDINGS, CONCLUSIONS,  
14 W.L. MONTGOMERY, ) AND RECOMMENDATIONS OF UNITED  
15 ) STATES MAGISTRATE JUDGE, AND  
16 ) DENYING CERTIFICATE OF  
17 ) APPEALABILITY  
18 Respondent. )  
19 \_\_\_\_\_ )

20 Pursuant to 28 U.S.C. Section 636, the Court has reviewed the  
21 Petition, records on file, and the Report and Recommendation of the  
22 United States Magistrate Judge. Further, the Court has engaged in a  
23 *de novo* review of those portions of the Report to which Petitioner has  
24 objected. The Court accepts the Report and adopts the findings,  
25 conclusions, and recommendations of the Magistrate Judge.

26 Further, for the reasons stated in the Report and  
27 Recommendation, the Court finds that Petitioner has not made a  
28 substantial showing of the denial of a constitutional right and,  
therefore, a certificate of appealability is denied. See 28 U.S.C.

1 § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S.  
2 322, 336 (2003).

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4 DATED: May 1, 2018

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7 R. GARY KLAUSNER  
8 UNITED STATES DISTRICT JUDGE  
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